

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EDUARDO LOPEZ, Pro Se
PLAINTIFF

v.

MICHAEL MALONEY, EDWARD FICCO,
and MARK REILLY
DEFENDANTS

CIVIL ACTION
NO. 04-CV-10208-JLT

PLAINTIFF MOTION FOR AN
ORDER OF VOLUNTARY
DISMISSAL PURSUANT TO RULE 41 (a)(1)

Now comes the Plaintiff in the above-entitled matter respectfully request this Honorable Court for a order of a voluntary dismissal without prejudice pursuant to F.R.C.P. 41(a)(1).

In support of this motion the Plaintiff states that although he is not a member of any gang nor have any affiliation with any gang or treat group, the defendant in their motion to dismiss stated that "...[i]t is further important to not that this restriction on inmates who are identified as STG members is no longer in place. Specifically, inmates who are identified as STG members may be classified to any security level. STG membership in and of itself no longer has any effect upon inmate placement within the DOC..."

WHEREFORE, the Plaintiff prays that this Honorable Court allowed this motion and order a voluntary dismissal without

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prejudice pursuant to Rule 41(a)(1).

Dated: June 13, 2005

Respectfully submitted

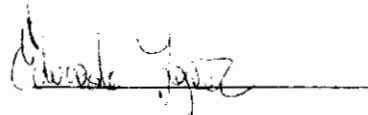
Eduardo Loez, Pro se
OCCC
One Administration Road
Bridgewater MA 02324

CERTIFICATE OF SERVICE

I, Eduardo Lopez, Pro se, states under the pains and penalties of perjury that I have served a true copy of Plaintiff's motion for an order of voluntary dismissal on this 13th day of June 2005 by first class mail postage prepaid to:

Julie E. Daniele
BBO # 600093
Legal Division
Department of Correction
70 Franklin Street, Suite 600
Boston, MA 02110-1300

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 13th DAY
OF JUNE 2005

A handwritten signature in dark ink, appearing to read 'Eduardo Lopez', is written over a horizontal line.

Eduardo Lopez